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Attorneys for Defendants NATIONAL RAILROAD PASSENGER  
CORPORATION (service mark AMTRAK)

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

JULIA DETWEILER, individually and as )  
successor-in-interest to Nicholas )  
Detweiler, deceased, )

Plaintiff,

v. )

CITY OF MOUNT SHASTA; )  
JEREMIAH CAPURRO; NATIONAL )  
RAILROAD PASSENGER )  
CORPORATION; BRUSE GARRETT; )  
and DOES 1 through 10, inclusive, )

Defendants. )

Case No.: 2:24-cv-03100-WBS-SCR

**DEFENDANT NATIONAL  
RAILROAD PASSENGER  
CORPORATION SERVICE MARK  
AMTRAK'S ANSWER TO  
PLAINTIFF'S COMPLAINT AND  
DEMAND FOR JURY TRIAL**

Complaint Filed: November 7, 2024  
Trial Date: None

Defendant NATIONAL RAILROAD PASSENGER CORPORATION, service mark  
AMTRAK, by and through its attorneys SIMS LAW FIRM, LLP, responds to  
Plaintiff JULIA DETWEILER's Complaint, for itself alone, as follows:

1. This Defendant admits that jurisdiction and venue are proper.
2. This Defendant admits that jurisdiction and venue are proper.
3. The introduction requires no response. This Defendant denies any unlawful conduct.

///

1           4.     The introduction requires no response. This Defendant denies any  
2 unlawful conduct.

3           5.     This Defendant is without sufficient knowledge or information to admit  
4 or deny and on that basis denies the allegations.

5           6.     To the extent that this allegation contains legal conclusions, no  
6 response is required

7 or provided. Otherwise, this Defendant is without sufficient knowledge or  
8 information to admit or deny and on that basis denies the allegations.

9           7.     To the extent that this allegation contains legal conclusions, no response  
10 is required

11 or provided. Otherwise, this Defendant is without sufficient knowledge or  
12 information to admit or deny and on that basis denies the allegations.

13           8.     To the extent that this allegation contains legal conclusions, no response  
14 is required

15 or provided. Otherwise, this Defendant is without sufficient knowledge or  
16 information to admit or deny and on that basis denies the allegations.

17           9.     To the extent that this allegation contains legal conclusions, no response  
18 is required

19 or provided. Otherwise, this Defendant admits that NATIONAL RAILROAD  
20 PASSENGER CORPORATION, service mark AMTRAK, is a private company with  
21 100% of its preferred stock owned by the federal government, organized and existing  
22 under the laws of the United States of America, doing business in California and in  
23 the County of Siskiyou, and that AMTRAK was the employer of BRUCE  
24 GARRETT at the time of the incident. Defendant denies all of the remaining  
25 allegations in this paragraph to the extent they are inconsistent with this answering  
26 paragraph.

27           10.    To the extent that this allegation contains legal conclusions, no response  
28 is required or provided. Otherwise, this Defendant admits that AMTRAK was the

1 employer of BRUCE GARRETT at the time of the incident. Defendant denies all of  
2 the remaining allegations in this paragraph to the extent they are inconsistent with  
3 this answering paragraph.

4 11. To the extent that this allegation contains legal conclusions, no response  
5 is required  
6 or provided. Otherwise, this Defendant is without sufficient knowledge or  
7 information to admit or deny and on that basis denies the allegations.

8 12. This Defendant is without sufficient knowledge or information to admit  
9 or deny and on that basis denies the allegations.

10 13. This Defendant is without sufficient knowledge or information to admit  
11 or deny and on that basis denies the allegations.

12 14. This Defendant is without sufficient knowledge or information to admit  
13 or deny and on that basis denies the allegations.

14 15. This Defendant is without sufficient knowledge or information to admit  
15 or deny and on that basis denies the allegations.

16 16. To the extent that this allegation contains legal conclusions, no response  
17 is required  
18 or provided. Otherwise, this Defendant denies the allegations.

19 17. To the extent that this allegation contains legal conclusions, no response  
20 is required

21 or provided. Otherwise, this Defendant admits that AMTRAK was the employer of  
22 BRUCE GARRETT at the time of the incident. Defendant denies all of the  
23 remaining allegations in this paragraph to the extent they are inconsistent with this  
24 answering paragraph.

25 18. This Defendant incorporates by reference its responses above to  
26 paragraphs 1 through 17 of the complaint.

27 19. This Defendant is without sufficient knowledge or information to  
28 determine at this time whether Nicholas Detweiler was a ticketed passenger at the

1 time of the incident, and alleges that Nicolas Detweiler violated the terms and  
2 conditions of service even if he originally held a ticket. Defendant admits that  
3 Nicholas Detweiler was on an AMTRAK train on December 25, 2023, and that  
4 BRUCE GARRETT was working on that train as a conductor. Defendant denies all  
5 of the remaining allegations in this paragraph to the extent they are inconsistent with  
6 this answering paragraph.

7       20. This Defendant admits that police officer JEREMIAH CAPURRO  
8 boarded the train to respond to threats made by Nicholas Detweiler and Nicholas  
9 Detweiler's brandishing of a deadly weapon in the form of brass knuckles, and that  
10 BRUCE GARRETT led the police officer to the area where Nicholas Detweiler was  
11 seated in the train with his deadly weapon.

12       21. This Defendant admits that after entering the railcar, police officer  
13 JEREMIAH CAPURRO contacted Nicholas Detweiler who was seated at the time  
14 with his deadly weapon. This Defendant is without sufficient knowledge or  
15 information to determine at this time whether Nicholas Detweiler was sleeping when  
16 the police officer contacted him.

17       22. This Defendant admits that Officer Capurro shined a flashlight on Mr.  
18 Detweiler, announced that he was a police officer, told Mr. Detweiler to keep his  
19 hands up, turn around, and not touch  
20 anything. Mr. Detweiler refused to obey these lawful orders, insisted on picking up a  
21 plastic bag with contents next to him, refused to obey the police officers' order turn  
22 around and not to touch anything, then grabbed the police officer's taser. This  
23 Defendant admits that Officer Capurro attempted to prevent Mr. Detweiler from  
24 possessing a bag while Officer Capurro attempted to investigate the reported crime.  
25 Deny any remaining allegations.

26       23. This Defendant admits that Officer Capurro's taser discharged, but is  
27 without sufficient knowledge or information to determine at this time whether  
28 Officer Capurro discharged his taser or whether Mr. Detweiler discharged it when he

1 grabbed it with both hands. This Defendant is without sufficient knowledge or  
2 information to admit or deny whether the taser struck Mr. Detweiler. This Defendant  
3 denies that it was without justification. Defendant denies all of the remaining  
4 allegations in this paragraph to the extent they are inconsistent with this answering  
5 paragraph.

6 24. This Defendant admits that BRUCE GARRETT attempted to come to  
7 the defense of Officer Capurro and attempted to assist him in restraining Mr.  
8 Detweiler, but denies that BRUCE GARRETT was successful in restraining Mr.  
9 Detweiler, who continued to act in a menacing manner and continued to refuse the  
10 police officer's orders. This Defendant is without sufficient knowledge or  
11 information to admit or deny whether Officer Capurro discharged his taser at Mr.  
12 Detweiler a second and third time.

13 25. This Defendant is without sufficient knowledge or information to admit  
14 or deny whether Officer Capurro struck Mr. Detweiler with his police baton and on  
15 that basis denies these allegations. This Defendant denies that Mr. Detweiler was  
16 restrained. Rather, a video of the incident shows Mr. Detweiler swung his left arm  
17 and gloved hand and punched Officer Capurro in the right side of Officer Capurro's  
18 head. This Defendant denies the remaining allegations.

19 26. This Defendant denies that BRUCE GARRETT successfully restrained  
20 Mr. Detweiler and prevented him from leaving the train. This Defendant alleges that  
21 BRUCE GARRETT attempted to come to the assistance and defense of Officer  
22 Capurro when Mr. Detweiler refused numerous commands to get on the ground, then  
23 menacingly removed a glove from his right hand, and applied and brandished brass  
24 knuckles on his right hand in a threatening and menacing manner, before quickly  
25 turning, swinging at, and assaulting BRUCE GARRETT with the deadly weapon,  
26 knocking BRUCE GARRETT to the ground, and then choking BRUCE GARRETT  
27 in a headlock on the ground. If BRUCE GARRETT heard Officer Capurro telling  
28 Mr. Detweiler to exit the train, then he also would have heard Officer Capurro telling

1 Mr. Detweiler to turn around, not touch anything and to get on the ground, all of  
2 which Mr. Detweiler refused to peaceably do. This Defendant denies the remaining  
3 allegations.

4 27. This Defendant denies these allegations and alleges that an  
5 authenticated video of the incident is directly contrary to these allegations. In fact,  
6 Plaintiff's and Plaintiff's counsel's "version of events is so utterly discredited by the  
7 record that no reasonable jury could . . . believe[] [them]." *Scott v. Harris* (2007)  
8 550 U.S. 372, 380–381 [127 S.Ct. 1769, 1776, 167 L.Ed.2d 686]; see also, *Swigart v.*  
9 *Bruno* (2017) 13 Cal.App.5th 529, 534, fn. 4 ["To the extent that [Plaintiff's]  
10 witnesses' testimony was inconsistent with the video, we do not consider such  
11 inconsistency a disputed fact and have relied on the evidence in the video."] This  
12 Defendant denies that BRUCE GARRETT successfully restrained Mr. Detweiler.  
13 Defendant alleges that after Mr. Detweiler refused numerous commands to put his  
14 hands up, turn around, drop a bag, get on the ground, then menacingly removed a  
15 glove from his right hand, and applied and brandished brass knuckles on his right  
16 hand in a threatening and menacing manner, and then quickly turned, leaned into,  
17 swung at, and assaulted BRUCE GARRETT with a deadly weapon, knocked  
18 BRUCE GARRETT to the ground, and then choked BRUCE GARRETT in a  
19 headlock on the ground, Officer Capurro discharged his firearm at Mr. Detweiler.  
20 Plaintiff and Plaintiff's counsel are on notice of Federal Rule of Civil Procedure 11,  
21 which prohibits frivolous and unwarranted contentions in litigation and allows courts  
22 to sanction attorneys for violations, which this Defendant intends to pursue.

23 28. This Defendant denies these allegations, which are directly contradicted  
24 by an authenticated video of the incident. This Defendant incorporates its response to  
25 paragraph 27 by reference.

26 29. This Defendant denies these allegations, which are directly contradicted  
27 by an authenticated video of the incident. This Defendant incorporates its response to  
28 paragraph 27 by reference.

1           30. This Defendant denies these allegations, which are directly contradicted  
2 by an authenticated video of the incident. This Defendant incorporates its response to  
3 paragraph 27 by reference.

4           31. This Defendant denies these allegations, which are directly contradicted  
5 by an authenticated video of the incident. This Defendant incorporates its response to  
6 paragraph 27 by reference.

7           32. This Defendant denies these allegations, which are directly contradicted  
8 by an authenticated video of the incident. This Defendant incorporates its response to  
9 paragraph 27 by reference.

10          33. This Defendant denies these allegations, which are directly contradicted  
11 by an authenticated video of the incident. This Defendant incorporates its response to  
12 paragraph 27 by reference.

13          34. This Defendant denies these allegations.

14          35. This Defendant denies these allegations, which are directly contradicted  
15 by an authenticated video of the incident. This Defendant incorporates its response to  
16 paragraph 27 by reference.

17          36. This Defendant admit that Mr. Detweiler did not brandish a firearm.  
18 However, he brandished a deadly weapon in the form of brass knuckles, and applied  
19 them to his right hand in the presence of Officer Capurro, then used them on BRUCE  
20 GARRETT in the police officer's presence, after refusing to cooperate with the  
21 police officer's commands.

22          37. This Defendant denies these allegations.

23          38. This Defendant admits that Mr. Detweiler died as a result of his assault  
24 with a deadly weapon on BRUCE GARRETT and subsequent injuries.

25          39. This Defendant is without sufficient knowledge or information to admit  
26 or deny these allegations and on that basis denies them.

27          40. This Defendant is without sufficient knowledge or information to admit  
28 or deny these allegations and on that basis denies them.



1           41. This Defendant incorporates by reference its responses above to  
2 paragraphs 1 through 40 of the complaint.

3           42. This paragraph contains no charging allegations against this Defendant,  
4 so it requires no response or answer. In the alternative, this Defendant denies the  
5 allegations.

6           43. This paragraph contains no charging allegations against this Defendant,  
7 so it requires no response or answer. In the alternative, this Defendant denies the  
8 allegations.

9           44. This paragraph contains no charging allegations against this Defendant,  
10 so it requires no response or answer. In the alternative, this Defendant denies the  
11 allegations.

12           45. This paragraph contains no charging allegations against this Defendant,  
13 so it requires no response or answer. In the alternative, this Defendant denies the  
14 allegations.

15           46. This paragraph contains no charging allegations against this Defendant,  
16 so it requires no response or answer. In the alternative, this Defendant denies the  
17 allegations.

18           47. This paragraph contains no charging allegations against this Defendant,  
19 so it requires no response or answer. In the alternative, this Defendant denies the  
20 allegations.

21           48. This paragraph contains no charging allegations against this Defendant,  
22 so it requires no response or answer. In the alternative, this Defendant denies the  
23 allegations.

24           49. This paragraph contains no charging allegations against this Defendant,  
25 so it requires no response or answer. In the alternative, this Defendant denies the  
26 allegations other than the allegation that Plaintiff brings claims and seeks damages.

27 ///

28 ///



1           50. This paragraph contains no charging allegations against this Defendant,  
2 so it requires no response or answer. In the alternative, this Defendant admits that  
3 Plaintiff seeks attorney's fees and costs, but denies that Plaintiff is entitled to them.

4           51. This Defendant incorporates by reference its responses above to  
5 paragraphs 1 through 50 of the complaint.

6           52. This paragraph contains no charging allegations against this Defendant,  
7 so it requires no response or answer. In the alternative, this Defendant is without  
8 sufficient knowledge or information to admit or deny these allegations and on that  
9 basis denies them.

10          53. This paragraph contains no charging allegations against this Defendant,  
11 so it requires no response or answer. In the alternative, this Defendant is without  
12 sufficient knowledge or information to admit or deny these allegations and on that  
13 basis denies them.

14          54. This paragraph contains no charging allegations against this Defendant,  
15 so it requires no response or answer. In the alternative, this Defendant is without  
16 sufficient knowledge or information to admit or deny these allegations and on that  
17 basis denies them.

18          55. This paragraph contains no charging allegations against this Defendant,  
19 so it requires no response or answer. In the alternative, this Defendant is without  
20 sufficient knowledge or information to admit or deny these allegations and on that  
21 basis denies them.

22          56. This paragraph contains no charging allegations against this Defendant,  
23 so it requires no response or answer. In the alternative, this Defendant admits the  
24 allegations.

25          57. This paragraph contains no charging allegations against this Defendant,  
26 so it requires no response or answer. In the alternative, this Defendant denies the  
27 allegations.

28 ///

1           58. This paragraph contains no charging allegations against this Defendant,  
2 so it requires no response or answer. In the alternative, this Defendant denies the  
3 allegations.

4           59. This paragraph contains no charging allegations against this Defendant,  
5 so it requires no response or answer. In the alternative, this Defendant denies the  
6 allegations.

7           60. This paragraph contains no charging allegations against this Defendant,  
8 so it requires no response or answer. In the alternative, this Defendant denies the  
9 allegations other than the allegation that Plaintiff brings claims and seeks damages.

10          61. This paragraph contains no charging allegations against this Defendant,  
11 so it requires no response or answer. In the alternative, this Defendant admits that  
12 Plaintiff seeks attorney's fees and costs, but denies that Plaintiff is entitled to them.

13          62. This Defendant incorporates by reference its responses above to  
14 paragraphs 1 through 61 of the complaint.

15          63. This paragraph contains no charging allegations against this Defendant,  
16 so it requires no response or answer. In the alternative, this Defendant is without  
17 sufficient knowledge or information to admit or deny these allegations and on that  
18 basis denies them.

19          64. This paragraph contains no charging allegations against this Defendant,  
20 so it requires no response or answer. In the alternative, this Defendant is without  
21 sufficient knowledge or information to admit or deny these allegations and on that  
22 basis denies them.

23          65. This paragraph contains no charging allegations against this Defendant,  
24 so it requires no response or answer. In the alternative, this Defendant is without  
25 sufficient knowledge or information to admit or deny these allegations and on that  
26 basis denies them.

27          66. This paragraph contains no charging allegations against this Defendant,  
28 so it requires no response or answer. In the alternative, this Defendant is without

1 sufficient knowledge or information to admit or deny these allegations and on that  
2 basis denies them.

3 67. This paragraph contains no charging allegations against this Defendant,  
4 so it requires no response or answer. In the alternative, this Defendant denies the  
5 allegations.

6 68. This paragraph contains no charging allegations against this Defendant,  
7 so it requires no response or answer. In the alternative, this Defendant denies the  
8 allegations.

9 69. This paragraph contains no charging allegations against this Defendant,  
10 so it requires no response or answer. In the alternative, this Defendant denies the  
11 allegations other than the allegation that Plaintiff brings claims and seeks damages.

12 70. This paragraph contains no charging allegations against this Defendant,  
13 so it requires no response or answer. In the alternative, this Defendant admits that  
14 Plaintiff seeks attorney's fees and costs, but denies that Plaintiff is entitled to them.

15 71. This Defendant incorporates by reference its responses above to  
16 paragraphs 1 through 70 of the complaint.

17 72. This paragraph contains no charging allegations against this Defendant,  
18 so it requires no response or answer. In the alternative, this Defendant is without  
19 sufficient knowledge or information to admit or deny these allegations and on that  
20 basis denies them.

21 73. This paragraph contains no charging allegations against this Defendant,  
22 so it requires no response or answer. In the alternative, this Defendant denies the  
23 allegations.

24 74. This paragraph contains no charging allegations against this Defendant,  
25 so it requires no response or answer. In the alternative, this Defendant denies the  
26 allegations.

27 ///

28 ///

1       75. This paragraph contains no charging allegations against this Defendant,  
2 so it requires no response or answer. In the alternative, this Defendant denies the  
3 allegations.

4       76. This paragraph contains no charging allegations against this Defendant,  
5 so it requires no response or answer. In the alternative, this Defendant denies the  
6 allegations.

7       77. This paragraph contains no charging allegations against this Defendant,  
8 so it requires no response or answer. In the alternative, this Defendant denies the  
9 allegations.

10       78. This paragraph contains no charging allegations against this Defendant,  
11 so it requires no response or answer. In the alternative, this Defendant denies the  
12 allegations other than the allegation that Plaintiff brings claims and seeks damages.

13       79. This paragraph contains no charging allegations against this Defendant,  
14 so it requires no response or answer. In the alternative, this Defendant admits that  
15 Plaintiff seeks attorney's fees and costs, but denies that Plaintiff is entitled to them.

16       80. This Defendant incorporates by reference its responses above to  
17 paragraphs 1 through 79 of the complaint.

18       81. This Defendant is without sufficient knowledge or information to admit  
19 or deny these allegations and on that basis denies them. Defendant alleges that it was  
20 unaware of Mr. Detweiler's claimed status as a "qualified individual" with a mental  
21 impairment or alleged inability to care for himself or control his mental health  
22 condition, if any such impairment, inability, or lack of control existed.

23       82. To the extent that this allegation contains legal conclusions, no response  
24 is required  
25 or provided. The parts of this paragraph pertaining to the CITY contain no charging  
26 allegations against this Defendant, so they require no response or answer. Otherwise,  
27 this Defendant admits that 42 U.S.C. 12131(1)(C) applies to AMTRAK.

28 ///

1           83. To the extent that this allegation contains legal conclusions, no response  
2 is required  
3 or provided. The parts of this paragraph pertaining to the CITY contain no charging  
4 allegations against this Defendant, so they require no response or answer. Otherwise,  
5 this Defendant denies that this is a correct statement of the law and it is without any  
6 citation otherwise.

7           84. To the extent that this allegation contains legal conclusions, no response  
8 is required  
9 or provided. The parts of this paragraph pertaining to the CITY contain no charging  
10 allegations against this Defendant, so they require no response or answer. Otherwise,  
11 this Defendant denies that this is a correct statement of the law and it is without any  
12 citation otherwise.

13           85. The parts of this paragraph pertaining to the CITY contain no charging  
14 allegations against this Defendant, so they require no response or answer. Otherwise,  
15 this Defendant denies these allegations.

16           86. The parts of this paragraph pertaining to the CITY contain no charging  
17 allegations against this Defendant, so they require no response or answer. Otherwise,  
18 this Defendant denies these allegations.

19           87. Deny.

20           88. This paragraph contains no charging allegations against this Defendant,  
21 so it requires no response or answer. In the alternative, this Defendant denies the  
22 allegations other than the allegation that Plaintiff brings claims and seeks damages.

23           89. This paragraph contains no charging allegations against this Defendant,  
24 so it requires no response or answer. In the alternative, this Defendant admits that  
25 Plaintiff seeks attorney's fees and costs, but denies that Plaintiff is entitled to them.

26           90. This Defendant incorporates by reference its responses above to  
27 paragraphs 1 through 89 of the complaint.

28 ///

1           91. The parts of this paragraph pertaining to officer JEREMIAH  
2 CAPURRO and the CITY contain no charging allegations against this Defendant, so  
3 they require no response or answer. Otherwise, this Defendant denies these  
4 allegations other than the allegation that officer CAPURRO used deadly force.

5           92. To the extent that this allegation contains legal conclusions, no response  
6 is required  
7 or provided. The parts of this paragraph pertaining to the CITY contain no charging  
8 allegations against this Defendant, so they require no response or answer. Otherwise,  
9 this Defendant admits that these allegations contain a reasonably accurate statement  
10 of Government Code section 815.2(a).

11           93. This Defendant admits that BRUCE GARRETT was in the course and  
12 scope of his employment at the time of the incident, and that he attempted to come to  
13 the defense of Officer Capurro and attempted to assist him in restraining Mr.  
14 Detweiler, but denies that BRUCE GARRETT was successful in restraining Mr.  
15 Detweiler, who continued to act in a menacing manner and continued to refuse the  
16 police officer's orders. This Defendant denies that BRUCE GARRETT restrained  
17 Mr. Detweiler when Officer CAPURRO discharged his firearm. Rather, Defendant  
18 alleges that after Mr. Detweiler refused numerous commands to get on the ground,  
19 then menacingly removed a glove from his right hand, and applied and brandished  
20 brass knuckles on his right hand in a threatening and menacing manner, and then  
21 quickly turned, leaned into, swung at, and assaulted BRUCE GARRETT with a  
22 deadly weapon, knocked BRUCE GARRETT to the ground, and then choked  
23 BRUCE GARRETT in a headlock on the ground, Officer Capurro discharged his  
24 firearm at Mr. Detweiler. Defendant denies all of the remaining allegations in this  
25 paragraph to the extent they are inconsistent with this answering paragraph.

26           94. To the extent that this allegation contains legal conclusions, no response  
27 is required or provided. Otherwise, this Defendant denies these allegations.

28           95. Deny.

1       96. Deny.

2       97. This Defendant denies the allegations other than the allegation that  
3 Plaintiff brings claims and seeks damages.

4       98. This Defendant incorporates by reference its responses above to  
5 paragraphs 1 through 97 of the complaint.

6       99. Deny.

7       100. Deny.

8       101. To the extent that this allegation contains legal conclusions, no response  
9 is required

10 or provided. The parts of this paragraph pertaining to the CITY contain no charging  
11 allegations against this Defendant, so they require no response or answer. Otherwise,  
12 this Defendant admits that these allegations contain a reasonably accurate statement  
13 of Government Code section 815.2(a).

14       102. To the extent that this allegation contains legal conclusions, no response  
15 is required

16 or provided. Otherwise, this Defendant denies these allegations.

17       103. This Defendant denies the allegations other than the allegation that  
18 Plaintiff brings claims and seeks damages.

19       104. This Defendant incorporates by reference its responses above to  
20 paragraphs 1 through 103 of the complaint.

21       105. This paragraph contains no charging allegations against this Defendant,  
22 so it requires no response or answer. To the extent that this allegation contains legal  
23 conclusions, no response is required or provided. Otherwise, this Defendant admits  
24 that these allegations contain a reasonably accurate statement of California Civil  
25 Code section 52.1.

26       106. This paragraph contains no charging allegations against this Defendant,  
27 so it requires no response or answer. To the extent that this allegation contains legal  
28 conclusions, no response is required or provided. Otherwise, this Defendant admits



1 that these allegations contain a reasonably accurate statement of California Civil  
2 Code section 52.1.

3 107. This paragraph contains no charging allegations against this Defendant,  
4 so it requires no response or answer. To the extent that this allegation contains legal  
5 conclusions, no response is required or provided. Otherwise, this Defendant admits  
6 that these allegations contain a reasonably accurate statement of California Civil  
7 Code section 52.1.

8 108. This paragraph contains no charging allegations against this Defendant,  
9 so it requires no response or answer. To the extent that this allegation contains legal  
10 conclusions, no response is required or provided. Otherwise, this Defendant denies  
11 the allegations.

12 109. This paragraph contains no charging allegations against this Defendant,  
13 so it requires no response or answer. To the extent that this allegation contains legal  
14 conclusions, no response is required or provided. Otherwise, this Defendant denies  
15 the allegations.

16 110. This paragraph contains no charging allegations against this Defendant,  
17 so it requires no response or answer. To the extent that this allegation contains legal  
18 conclusions, no response is required or provided. Otherwise, this Defendant denies  
19 the allegations.

20 111. This paragraph contains no charging allegations against this Defendant,  
21 so it requires no response or answer. Otherwise, this Defendant denies the  
22 allegations.

23 112. This paragraph contains no charging allegations against this Defendant,  
24 so it requires no response or answer. Otherwise, this Defendant denies the  
25 allegations.

26 113. This paragraph contains no charging allegations against this Defendant,  
27 so it requires no response or answer. Otherwise, this Defendant is without sufficient  
28 knowledge or information to admit or deny and on that basis denies the allegations.

1 114. This paragraph contains no charging allegations against this Defendant,  
2 so it requires no response or answer. Otherwise, this Defendant denies the  
3 allegations.

4 115. This paragraph contains no charging allegations against this Defendant,  
5 so it requires no response or answer. Otherwise, this Defendant denies the  
6 allegations.

7 116. This paragraph contains no charging allegations against this Defendant,  
8 so it requires no response or answer. Otherwise, this Defendant denies the  
9 allegations.

10 117. This paragraph contains no charging allegations against this Defendant,  
11 so it requires no response or answer. In the alternative, this Defendant denies the  
12 allegations other than the allegation that Plaintiff brings claims and seeks damages.

13 118. This paragraph contains no charging allegations against this Defendant,  
14 so it requires no response or answer. In the alternative, this Defendant admits that  
15 Plaintiff seeks attorney's fees and costs, but denies that Plaintiff is entitled to them.

16 RESPONSE TO PLAINTIFF'S PRAYER FOR RELIEF – This Defendant  
17 denies any liability for the conduct alleged and denies that Plaintiff is entitled to any  
18 relief against it.

## 19 AFFIRMATIVE DEFENSES

### 20 FIRST DEFENSE

21 The Complaint fails to state true facts constituting a claim upon which relief  
22 may be granted.

### 23 SECOND DEFENSE

24 Defendant is informed and believes, and upon such information and belief  
25 alleges, that if in fact Defendant is found to have been liable in any manner, the  
26 liability could only be passive and secondary while the negligence of Plaintiff and  
27 Mr. Detweiler were active and primary, or intervening and superseding, and thus bars  
28 in whole or in part recovery on the Complaint.

## 1 THIRD DEFENSE

2 Any and all events and happenings, injuries, loss, damage and expenditure  
3 referred to in the Complaint were directly and proximately caused and contributed to  
4 in whole or in part by the carelessness, negligence, or other tortious conduct of  
5 Plaintiff and Mr. Detweiler, and therefore the extent of loss, damage, or expenditure  
6 sustained by Plaintiff, if any, should be reduced in proportion to the amount of  
7 negligence or fault attributable to Plaintiff and Mr. Detweiler.

## 8 FOURTH DEFENSE

9 Any and all events and happenings, injuries, loss, damage and expenditure  
10 referred to in the Complaint were directly and proximately caused and contributed to  
11 in whole or in part by the negligence and fault of persons, firms, corporations or  
12 entities other than this Defendant and its employees, and therefore said negligence  
13 and fault comparatively reduces the percentage of liability and fault, if any, attributed  
14 to Defendant.

## 15 FIFTH DEFENSE

16 Plaintiff failed to mitigate the damages, if any, that Plaintiff alleges she  
17 suffered, and failed to exercise reasonable care to avoid the consequences of harms,  
18 if any.

## 19 SIXTH DEFENSE

20 The subject matter of Plaintiff's claims, allegations, and causes of action are  
21 covered by, and therefore precluded and preempted by, state and federal law and  
22 regulations including but not limited to the Commerce Clause of the United States  
23 Constitution, the Amtrak Act, the Federal Railroad Safety Act, Locomotive Engineer  
24 and Conductor Certification, and the railroad related federal regulations found in  
25 Title 49 of the Code of Federal Regulations governing locomotive engineer and  
26 conductor training and certification, efficiency and operations testing, crew size and  
27 makeup, and Defendant's alleged duties with respect to same.

28 ///

1 SEVENTH DEFENSE

2 Defendant did not have actual or constructive notice of any condition that  
3 would impart knowledge to Amtrak in a sufficient time before the incident within  
4 which measures could have been taken to protect against any condition.

5 EIGHTH DEFENSE

6 Defendant's liability, if any, for non-economic damages is limited to  
7 Defendant's proportionate share of fault, if any, in accordance with Proposition 51  
8 and California Civil Code section 1431.2.

9 NINTH DEFENSE

10 At the time and place referred to in the Complaint, and before such event,  
11 Plaintiff and Mr. Detweiler knew the risk involved in placing themselves in the  
12 position that they then assumed, and knowingly and voluntarily assumed such risk,  
13 including, but not limited to, the risk of suffering personal bodily injury and death.

14 TENTH DEFENSE

15 Plaintiff's claims, or portions thereof, are barred by the doctrine of judicial  
16 estoppel.

17 ELEVENTH DEFENSE

18 Amtrak's conductor never used force that went beyond what was reasonably  
19 necessary to protect himself, other passengers, and the involved police officer when  
20 Mr. Detweiler assaulted him. Mr. Detweiler had a deadly weapon, brass knuckles,  
21 and intended to and did use them to assault the conductor. Calling law enforcement  
22 to assist with ejecting a passenger who has threatened other passengers and crew  
23 members with a deadly weapon, brass knuckles, is reasonable. Attempting to restrain  
24 someone who previously threatened passengers and crew members, then  
25 unreasonably failed to obey a police officer's commands to leave the train, then  
26 failed to obey a police officers' commands to turn around, keep his hands up, then  
27 get down on the ground, who then attacked a police officer, then attacked the  
28 conductor, is reasonable. Mr. Detweiler was not a minor threat. The conductor never

1 used deadly force. The conductor did not initiate the altercation and was not the  
2 aggressor – rather, Mr. Detweiler did and was. The conductor reasonably believed he  
3 were acting in self-defense and defense of other people. The conductor used no more  
4 force than was reasonably necessary to defend himself and other people. The amount  
5 of force was justifiable under the circumstances.

6 TWELFTH DEFENSE

7 Plaintiff’s decedent was adequately warned and the alleged circumstances  
8 were not dangerous for reasonably careful people, such that Amtrak had no duty to  
9 do anything else and Mr. Detweiler failed to use reasonable care to avoid harm.

10 THIRTEENTH DEFENSE

11 Common carriers are not insurers of their passengers’ safety. Rather, the  
12 degree of care and diligence which they must exercise is only such care that can  
13 reasonably be exercised consistent with the character and mode of conveyance  
14 adopted and the practical operation of the business of the carrier.

15 FOURTEENTH DEFENSE

16 To the extent that Plaintiff seeks punitive damages, Plaintiff’s recovery is  
17 limited by applicable provisions of the United States Constitution. Any award of  
18 punitive damages to Plaintiff in this case would be in violation of the constitutional  
19 safeguards provided to Defendant under the Constitution of the United States.  
20 Plaintiff’s claims for punitive or exemplary damages violate Defendants’ right to  
21 procedural due process, substantive due process, and protection from “excessive”  
22 fines as guaranteed by the Fifth, Fourteenth, and Eighth Amendments to the United  
23 States Constitution, respectively, and the Constitution of the State of California.

24 FIFTEENTH DEFENSE

25 Plaintiff is not entitled to punitive damages as this Defendant did not act or  
26 fail to act in a manner sufficient to give rise to punitive damages liability, did not  
27 authorize or ratify any actual wrongful conduct of its employee, if there was any such  
28

1 wrongful conduct, he was not in a managing agent role, and Amtrak was not  
2 personally guilty of any actionable misconduct.

3 SIXTEENTH DEFENSE

4 Plaintiff's claims pursuant to 42 U.S.C. § 12131(1) of the Americans with  
5 Disabilities Act are barred because they present an undue hardship against this  
6 Defendant where providing a reasonable accommodation for persons who behave  
7 like Mr. Detweiler behaved would be excessively burdensome because it would  
8 result in significant difficulty or expense, considering the size, resources, and nature  
9 of the AMTRAK. Making such modifications would fundamentally alter the nature  
10 of Amtrak's facilities and accommodations.

11 SEVENTEENTH DEFENSE

12 Plaintiff's claims are preempted and precluded by the Amtrak Act, 49 U.S.C. §  
13 24301, because a State may not adopt or continue in force a law, rule, regulation,  
14 order, or standard requiring Amtrak to employ a specified number of individuals to  
15 perform a particular task, function, or operation, which includes police officers and  
16 security guards.

17 EIGHTEENTH DEFENSE

18 Plaintiff's claims are preempted and precluded by the Commerce Clause  
19 because it would be unduly burdensome on railways to permit differing state  
20 regulations regarding assessment of persons with alleged mental impairments,  
21 alleged inability to care for themselves, or alleged inability to control their mental  
22 health conditions, and to provide on-board train police and security as trains cross  
23 state lines.

24 NINETEENTH DEFENSE

25 Plaintiff's claims pursuant to 42 U.S.C. § 12131(1) of the Americans with  
26 Disabilities Act are barred because Mr. Detweiler presented a direct threat to the  
27 health and safety of others and reasonable accommodations for persons with alleged  
28

1 conditions that result in conduct displayed by Mr. Detweiler would present a direct  
2 threat to the general public, other passengers, and crew members on trains.

3 TWENTIETH DEFENSE

4 Plaintiff's claims pursuant to 42 U.S.C. § 12131(1) of the Americans with  
5 Disabilities Act are barred because Mr. Detweiler was not a qualified individual with  
6 a disability.

7 TWENTY-FIRST DEFENSE

8 Plaintiff's claims are barred because AMTRAK, BRUCE GARRETT, the  
9 CITY OF MOUNT SHASTA, and JEREMIAH CAPURRO acted in self-defense and  
10 defense of others.

11 TWENTY-SECOND DEFENSE

12 Defendant is informed and believes and upon such information and belief  
13 alleges that at all times mentioned herein, Plaintiff instituted the proceedings against  
14 this Defendant without reasonable cause and without a good faith belief that there  
15 was a justifiable controversy, thereby rendering Plaintiff liable for the defense costs  
16 incurred by Defendant in the defense of this action as provided by Rule 11 of the  
17 Federal Rules of Civil Procedure and similar provisions.

18 TWENTY-THIRD DEFENSE

19 Defendant and everyone to whom Defendant's vicarious liability attaches, if  
20 anyone, acted with reasonable care in an emergency situation created by someone  
21 else.

22 TWENTY-FOURTH DEFENSE

23 Defendant is informed and believes and upon such information and belief  
24 alleges that there may be other defenses of which Defendant presently is unaware or  
25 has not alleged, and which Defendant reserves the right to allege in an amended  
26 answer and/or at any later point in this litigation, including but not limited to the  
27 presentation of evidence and/or closing argument at the time of trial.

28 ///



**PRAYER**

Wherefore, Defendant requests the following relief:

1. That Plaintiff's Complaint be dismissed in its entirety without leave to amend and that Plaintiff take nothing by way of Complaint;
2. That Defendants be henceforth dismissed from this matter with prejudice;
3. That judgment be entered in favor of Defendants and against Plaintiff;
4. That Defendants be awarded attorney's fees and costs of suit; and
5. For such other and further relief as the Court deems just and proper.

DATED: March 11, 2025

SIMS LAW FIRM, LLP

*/s/ Michael Murphy*

By

Michael Murphy  
Attorneys for Defendant NATIONAL  
RAILROAD PASSENGER CORPORATION  
service mark AMTRAK

**DEMAND FOR JURY TRIAL**

Defendant NATIONAL RAILROAD PASSENGER CORPORATION  
service mark AMTRAK hereby demands a jury trial in this matter.

DATED: March 11, 2025

SIMS LAW FIRM, LLP

*/s/ Michael Murphy*

By

Michael Murphy  
Attorneys for Defendant NATIONAL  
RAILROAD PASSENGER CORPORATION  
service mark AMTRAK

**PROOF OF SERVICE**  
**USDC Case No. 2:24-cv-03100-WBS-SCR**

I am employed in the County of Orange, State of California. I am over the age of 18 and not a party to the within action; my business address is 19712 MacArthur Blvd., Ste. 120, Irvine, CA 92612.

On March 11, 2025, I served the foregoing documents on the interested parties in this action:

**DEFENDANT NATIONAL RAILROAD PASSENGER CORPORATION  
SERVICE MARK AMTRAK'S ANSWER TO PLAINTIFF'S COMPLAINT  
AND DEMAND FOR JURY TRIAL**

☒ by placing the true copies thereof enclosed in sealed envelopes addressed as listed below:

**See Attached Service List**

☐ **BY MAIL:** I deposited such envelope in the mail at Irvine, California. The envelope was mailed with postage thereon fully prepaid. I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice, said correspondence is deposited with the United States Postal Service on that same day with postage thereon fully prepaid at Irvine, California in the ordinary course of business; and there is delivery service by United States mail at the place so addressed.

I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit. Executed on March 11, 2025, at Irvine, California.

☐ **BY E-MAIL TRANSMISSION:** I caused the above document to be emailed to counsel and sent from JMortimore@sms-law.com executed on March 11, 2025, at Irvine, California

☒ **BY E-SERVICE:** The undersigned hereby certifies that a true and correct copy of the forgoing document was filed with the Court and served electronically through pursuant to the United States District Court CM/ECF rules to all counsel of record to those registered to receive a Notice of Electronic Filing for this case on March 11, 2025.

☒ **(Federal):** I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made. Executed March 11, 2025, at Irvine, California.

*/s/ Jodie A. Mortimore*

\_\_\_\_\_  
Jodie A. Mortimore

SERVICE LIST  
*Detweiler v. NRPC, et al*

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